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Annual Report

1991-92





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Education Relations Commission

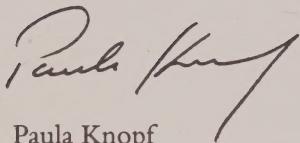
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The Members of the Legislative Assembly
Province of Ontario

Dear Members:

I have the honour to present the seventeenth annual report of the Education Relations Commission, which covers the period from September 1, 1991, to August 31, 1992.



Paula Knopf
Chair
Education Relations Commission

August 31, 1992



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1. The Commission and the Parties

Establishment of the Commission

The Education Relations Commission (ERC) was established in 1975 under section 59 of the School Boards and Teachers Collective Negotiations Act, R.S.O., Chapter 464. The commission is composed of five members appointed by the Lieutenant Governor-in-Council. Each member is eligible for reappointment when his or her term of appointment expires, which is usually after three years.

Purpose of the Act

The purpose of the act is "the furthering of harmonious relations between boards and teachers by providing for the making and renewing of agreements and by providing for the relations between boards and teachers in respect of agreements" (section 2). The commission has, therefore, made it its mission to facilitate the development of harmonious relations and provide the necessary assistance to school boards and teachers in their negotiations to make or renew collective agreements.

Duties of the Commission

The duties of the commission are set out in subsection 60(1) of the act. It is the duty of the commission:

- (a) to carry out the duties imposed on it by this Act and such other functions as may, in the opinion of the Commission, be necessary to carry out the intent and purpose of this Act;
- (b) to maintain an awareness of negotiations between teachers and boards;
- (c) to compile statistical information on the supply, distribution, professional activities and salaries of teachers;
- (d) to provide such assistance to parties as may facilitate the making or renewing of agreements;
- (e) to select and, where necessary, to train persons who may act as mediators, fact finders, arbitrators or selectors;
- (f) to determine, at the request of either party or in the exercise of its discretion, whether or not either of the parties is or was negotiating in good faith and making every reasonable effort to make or renew an agreement;
- (g) to determine the manner of conducting and to supervise votes by secret ballot pursuant to this Act; and
- (h) to advise the Lieutenant Governor-in-Council when, in the opinion of the Commission, the continuance of a strike, lock-out or closing of a school or schools will place in jeopardy the successful completion of courses of study by the students affected by the strike, lock-out or closing of the school or schools.

Organizational Structure of the Commission

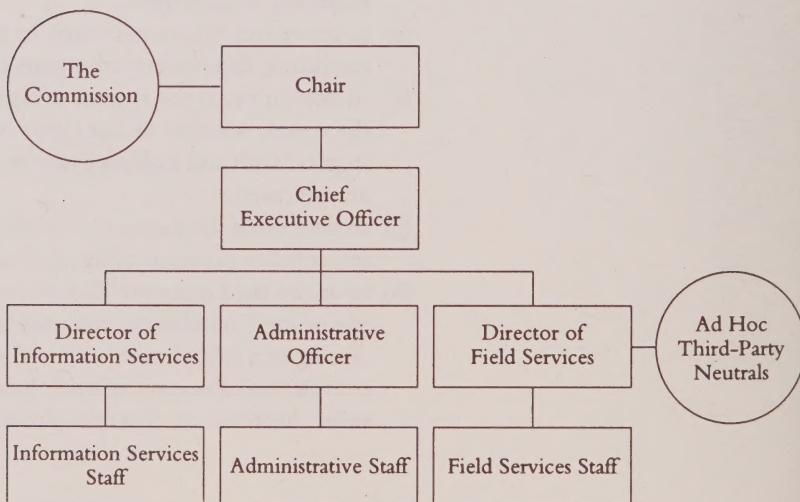
As noted, the commission is composed of five members. Ms. Paula Knopf was appointed Chair on February 1, 1991, to replace Ms. Katherine Swinton who had decided that her teaching and writing obligations at the University of Toronto should take priority.

Mr. David Allan Hayes was appointed Vice-Chair on May 11, 1988. Mrs. Trèva Legault Cousineau was appointed commissioner on May 11, 1988. Messrs. John McNeil and John Zeiler were reappointed on March 6, 1989. (A biographical sketch of each commissioner is provided in Appendix C.)

The commission has a permanent seventeen-member staff. In order to oversee bargaining in the more than 280 sets of negotiations that fall under its jurisdiction, the commission must supplement permanent staff with external human resources. The commission utilizes a cadre of more than 70 individuals appointed on a per-diem basis as third-party neutrals. This arrangement has allowed the commission to have access to some of the most able third parties in the province.

All appointments and all major decisions and determinations are made by the commission; however, the day-to-day operations of the commission are managed by the chief executive officer. The operations of the ERC are divided into two major functions – Field Services and Information Services. (An organizational chart is provided in figure 1.) Briefly, the role of Field Services is to monitor negotiation activity at the local level, whereas that of Information Services is to provide data to all parties involved in negotiation.

Figure 1: Organizational Chart for the Education Relations Commission



Parties in the Negotiations

The parties involved in negotiations are the 2000 trustees and 115 000 teachers who represent and work in the approximately 170 school boards in the province. These school boards have 285 collective agreements with the branch affiliates representing local teachers. (A branch affiliate, comparable to a local union, is composed of all the teachers employed by a board who are members of one of the provincial teachers' federations or associations.)

In general terms, there are four kinds of school boards. First, there are seventy-six non-denominational public boards of education, each divided into an elementary and a secondary panel. Second, there are forty-nine Roman Catholic separate school (RCSS) boards, forty of which operate both elementary and secondary schools and nine of which operate only elementary schools. Third, there are three French-language boards – a public board in Metropolitan Toronto, the Prescott-Russell Roman Catholic board, and the Ottawa-Carleton board. The last named has a public and a Roman Catholic section. Fourth, there is a broad grouping of other boards, including public district school area boards, some isolate RCSS boards, and school boards in children's treatment centres. Most school boards in this last group exist to serve students in isolated or remote areas.

Teachers have a central organization to which the various federations belong. The parent body is the Ontario Teachers' Federation (OTF), an organization composed of representatives from the Federation of Women Teachers' Associations of Ontario (FWTAO), the Ontario Public School Teachers' Federation (OPSTF), the Ontario Secondary School Teachers' Federation (OSSTF), the Ontario English Catholic Teachers' Association (OECTA), and l'Association des enseignantes et enseignants franco-ontariens (AEEFO). Bargaining rights reside with the branch affiliates of these bodies.

There are four trustee organizations: the Ontario Public School Boards' Association (OPSBA), which was formed by an amalgamation of the three former public school board associations; the Ontario Separate School Trustees' Association (OSSTA); l'Association française des conseils scolaires de l'Ontario (AFCSO); and l'Association franco-ontarienne des conseils des écoles catholiques (AFOCEC). The Ontario School Trustees' Council (OSTC) is now an umbrella organization of the OSSTA and the AFCSO.

2. Overview of the Year's Negotiations

Negotiations in 1991-92 between school boards and branch affiliates representing teachers employed by the boards were more prolonged and more difficult than in any year since 1983. Indications of the difficulty may be seen in the following:

- an increase of about one month in the average length of time required to reach collective agreement over that taken in 1990-91
- an increase in the number of fact-finding appointments from fifty-five in 1990-91 to eighty-four in 1991-92
- the filing of thirteen complaints alleging a failure to bargain in good faith
- fifteen supervised strike votes
- the occurrence of eight strikes, the greatest number in any year since the passage of Bill 100. Three involved loss of instructional services; five were work-to-rule actions

While 46 per cent of the agreements were negotiated without assistance of any type from a third party, 54 per cent of the negotiations did require third-party assistance. This proportion is much higher than the average over the years. Nevertheless, 68.5 per cent of the negotiations were concluded without mediation assistance, a proportion lower than the long-term average.

The commission appointed eighty-four fact finders during the year. However, only sixty-five reports had to be written, which is evidence of the value of fact finding, both as a means of placing pressure on the parties and as a conciliatory process in itself. In an additional eight situations, the parties reached agreement after receiving the report and before it had to be made public. This 32 per cent success rate in inspiring agreements is a persuasive indicator of the positive impact of the fact-finding process. Indeed, fact finding appears to have had greater impact on the process than in several previous years.

Statistical tables providing information on both the past year's bargaining and comparative historical trends appear in Appendix A.

In 1991-92, 165 agreements were subject to negotiations, 151 in divisional school boards, Roman Catholic school boards, or separate school boards, and 14 in isolate or other school boards. Another 120 agreements covering the year had already been negotiated previously in multi-year arrangements. By August 31, 1992, agreements had been reached in all situations except 10 at the local level, in the public boards of Metropolitan Toronto.

The major issues were monetary. Issues other than salaries included retirement gratuities or deferred compensation plans; parenting leave with the maintenance of insured benefits; and the inclusion of supplementary unemployment benefits either or both to cover the waiting period of two weeks and to "top up" the UIC benefits; staffing; and class size.

On average, it took 8.2 months in 1991-92 to reach agreement compared with 7.3 months in the previous year (assuming that negotiations commence on March 1). A number of factors were responsible for this increase in time.

For school boards, 1991 was an election year and, for a variety of reasons, negotiations have always been slow in election years. Moreover, the transition from the patterns set by settlements prior to the end of September 1991 to lower levels was very difficult. Settlements covering the 1991-92 year as part of multi-year agreements had provided for salary increases at or over 6 per cent; the first sixty-two new settlements made by the parties themselves had confirmed this trend. Even the Ministry of Education in the grant announcements for 1991 had suggested that a 5 per cent salary increase was appropriate, and public service settlements had been in the area of 5.8 per cent for the calendar year.

In the autumn of 1991, the continuing uncertainty of the national and provincial economic situations began to influence events. Economic recovery was stalled as unemployment and the number of bankruptcies remained high. The decline in the rate of increase in the consumer price index was dramatic. School boards even felt it as business tax income fell. The high provincial government deficit and decline in provincial government revenues indicated that 1992 would be a lean year.

Following the Treasurer's statement of October 2 on the situation, asking for public-sector wage settlements which would be "affordable and fair to employees, employers and taxpayers," the market in bargaining began to change as the parties adjusted slowly to the situation. The pace of reaching agreements began to slow. The provincial government's settlement with its own employee union for 1 per cent in the 1992 calendar year and 2 per cent in each of the following two years and a triggered fold-in COLA in 1994 was seen as a new benchmark for 1992 and 1993. The federal government's imposed 0 and 3 per cent over two years for its own employees reinforced the point, particularly in the Ottawa area.

The announcement in January of the transfer payment increases of 1, 2, and 2 per cent for 1992, 1993, and 1994 forced school boards to re-examine their plans for the year. The abrupt change from 1991, with its generous level of grants to school boards, made it very difficult for boards to adjust to the new constraint.

All of these developments resulted in a year of prolonged bargaining and conflict.

As noted above, there were more strikes than in any year since before the bargaining legislation was adopted. The commission issued a "jeopardy advisement," the first since 1986, in connection with the strike of secondary school teachers against the Carleton Board of Education. For a variety of reasons set out in the advisement, the commission felt compelled to intervene.

The fifty-one mediation appointments represented much the same level of assistance as in 1990-91, but, because of the frequency of strikes, the time used in mediation efforts to resolve differences between the parties concerned was considerable.

Assessment of the year's negotiations and of the bargaining process during the year is difficult because of the number of factors influencing the positions and actions of the parties. There is no doubt that it was the most turbulent year since Bill 100 was passed, in terms of strikes, and the busiest year since the end of the provincial public-sector wage control program, in terms of the need for commission assistance in bargaining.

In conclusion, this has been a challenging year in terms of conflict and strikes, resulting in the greatest number of times the commission has been called upon to assist the parties since the end of the provincial public-sector wage controls. The analysis of the year indicates that collective bargaining succeeded in resolving many difficult local situations. Further, the commission was able to offer demonstrable assistance to the parties in achieving collective agreements and in fostering harmonious labour relations.

In addition, the commission adopted a conflict-of-interest policy for commissioners in order to maintain and ensure the neutrality of the commission. The policy is set out as follows:

CONFLICT-OF-INTEREST POLICY

Purpose

As an Agency appointed pursuant to Order in Council, constituted to serve the public interest and to further harmonious relations between boards and teachers, it is appropriate that the Education Relations Commission have conflict of interest guidelines for its members.

Accordingly, the Commission has adopted the following guidelines to apply to all members during the term of their appointments.

Terms

1. A member shall not provide any services relating to or potentially affecting employment relations on behalf of or against any of the following as defined by the **School Boards and Teachers Collective Negotiations Act**:
 - a) an affiliate;
 - b) a board;
 - c) a branch affiliate;
 - d) the Council;
 - e) the Federation;
 - f) a member association;
 - g) a board member;
 - h) a person employed by a board;
 - i) a local bargaining agent of any employees of a board;
2. Prior approval of the Chair of the Commission is required in all matters concerning a member of the Commission and any of the parties identified in paragraph 1.

3. Staff Activities

Field Services

Field Services staff are involved in a number of commission tasks. These include monitoring negotiations; selecting, training, and evaluating third parties; administering quasi-judicial matters; and offering preventive-mediation programs.

Monitoring of Negotiations

The commission stays informed about negotiations between teachers and school boards through its Field Services staff. The director of Field Services and two Field Services officers are responsible for monitoring the negotiations in all jurisdictions in the province. Regular contact, by telephone and through on-site visits, enable the Field Services officer to gain an understanding of emerging issues in negotiations, to get to know the parties, and to become thoroughly familiar with important developments at the local level. In turn, the parties become better acquainted with the commission's representatives and more knowledgeable about the School Boards and Teachers Collective Negotiations Act and the commission's policies, procedures, and resources.

Maintaining an intimate awareness of negotiations between branch affiliates and school boards is particularly advantageous when appointments of third-party neutrals become necessary. The commission has been able to rely on the firsthand information and advice of its Field Services staff (when making judgements regarding the appropriateness and timing of an appointment and choosing the third party for a given jurisdiction). Field Services staff analyse all upcoming sets of negotiations early in the negotiation year, assessing the degree of difficulty and identifying issues which could be potential stumbling-blocks to settlement. Such analyses include recommendations regarding the style, timing, and type of third-party assistance appropriate to each situation.

In addition to the monitoring of negotiations and third-party appointment processes, Field Services staff are intensively involved in selecting, training, and evaluating third parties; administering quasi-judicial matters; and undertaking preventive-mediation programs.

Selection and Training of Third Parties

Clause 60(1)(e) of the act directs the commission "to select and, where necessary, to train persons who may act as mediators, fact finders, arbitrators or selectors." The commission selects and appoints persons from a list of qualified fact finders and mediators to assist in collective negotiations as required. The roster includes men and women from a variety of occupations, including arbitrators, lawyers, academics, and former educational administrators and teachers. The commission continues to recruit a number of third parties who are bilingual.

During the March to May 1992 period, commission staff organized and conducted a series of five regional workshops in the following locations: Thunder Bay, Sudbury, Kingston, London, and Toronto. Workshops to be undertaken in French, scheduled for Sudbury and Ottawa, were cancelled because of low registration.

The regional workshops provided an opportunity for negotiators and those interested in negotiations to learn and interact firsthand with both commission staff and experienced third parties in a detailed and practical exploration of the various forms of third-party assistance available under the legislation. The workshops were well attended and received. Topics addressed included fact finding, mediation, grievance mediation/arbitration, and a session concerning the dynamics of negotiations involved at the bargaining table. The resource personnel included some of the most respected neutrals in the education labour relations field – Rick Jackson, Carol Beatty, Bill Marcotte, and Graeme McKechnie – and ERC staff member Drena Nilsson, who presented the negotiation dynamics session.

In September, a workshop for all commission third parties was held in Toronto. The undertaking was to have a dual purpose: first, to orient the fact finders and mediators in terms of the 1992–93 negotiation context that would be facing them, and, second, to improve upon existing skill levels in regard to both fact-finding reports and mediation activities. Again, the able assistance of some of the commission's most successful and experienced third parties was utilized.

In order to keep our third parties up-to-date on negotiating developments, the commission forwarded a detailed review of events in the 1991–92 negotiation year and an overview of the upcoming bargaining scene for 1992–93 to all of its third parties.

Administration of Quasi-judicial Matters

Field Services staff are involved in three quasi-judicial areas: appointment of returning officers when branch affiliates request commission-supervised votes, investigation of complaints alleging the failure of a party to negotiate in good faith, and appointment of grievance arbitrators.

Commission-supervised Votes

Following the public release of a fact finder's report, a branch affiliate may request that the commission supervise a vote by its members on the last offer received from the school board and/or on the favourability towards a strike. Also, when an agreement has been reached following a strike, the teachers are required to conduct a commission-supervised vote on the acceptability of the terms of agreement.

Field Services staff arrange for qualified people throughout the province to act as returning officers for these votes. During the 1991–92 reporting year, forty-one votes were conducted in nineteen jurisdictions.

Complaints Related to Good Faith Bargaining

The commission has established a procedure for dealing with complaints that bargaining has not been in good faith. The procedure provides that, prior to a formal hearing, an informal effort by the commission staff be undertaken to investigate and resolve the complaint. A Field Services officer will meet with the parties to attempt to find a solution.

Appointment of Grievance Arbitrators

Occasionally, the commission is approached to appoint either a single arbitrator or the chair of a board of arbitration. The request to appoint may arise for one of two reasons: (1) the parties have negotiated in their collective agreement that, if they are unable to agree, they will turn to the commission, or (2) the parties agree, where no collective agreement provision exists, to ask that the commission assist by making an appointment.

In carrying out this function, the commission always tries to appoint arbitrators who will be able to offer hearing dates to the parties within three or four weeks. Field Services staff will recommend a person for this appointment from the commission's list of approved arbitrators.

Preventive Mediation

Preventive-mediation programs are administered by the Field Services staff. Their main purpose is to assist the parties in reducing, if not eliminating, the obstacles that prevent resolution of matters of mutual concern. In addition, preventive-mediation attempts to equip the parties to conduct their negotiations in a more effective and efficient manner within the existing structure of collective bargaining. It must be stressed that preventive-mediation activities are not designed to change the present structure of collective bargaining; they are designed to enhance it and to make it work for the benefit of both parties. In contrast to conventional mediation, preventive mediation is conducted outside negotiations, and only after both parties in a jurisdiction request ERC involvement.

The two dimensions of the preventive-mediation program are relationships by objectives and grievance mediation.

Relationships by Objectives

The relationships by objectives (RBO) program involves completion, by two numerically equal groups of teachers and trustees/administrators, of the following six steps:

1. identification, by each side, of the issues that need to be resolved
2. explanation, by each side to the other, of the issues and its position on them
3. agreement on a list of objectives concerning the issues
4. creation of action steps to meet these objectives
5. acceptance and/or tailoring of these action steps by the two sides separately
6. joint acceptance of action steps, assignment of responsibility, and setting of time lines

The program is conducted only when there has been a joint request from the parties. It is conducted when negotiations are not in progress and at a site other than the normal workplace. Completion of the six steps takes about two days.

The purpose of the RBO activity is to help the parties to: re-establish open and frank discussions on matters of joint concern, gain an appreciation of each other's point of view, and approach each other with trust and respect.

In the 1991-92 school year, the Peterborough County Board of Education and its secondary teachers participated in an RBO program. Follow-up activities were held with the Essex County Roman Catholic School Board and its secondary teachers.

Grievance Mediation

The grievance-mediation program is designed to assist the parties in resolving differences arising from the interpretation, application, administration, or alleged contravention of their collective agreement. Following a joint request from the parties, a mediator is assigned to resolve the dispute prior to its proceeding to arbitration. If the matter is not resolved, the option of arbitration has not been precluded. Grievance mediation offers a number of advantages over arbitration, including greater speed, great flexibility, lower cost, and the satisfaction of joint determinations and resolution of conflict situations. During the 1991-92 year, eleven such appointments were made.

Other Activities

Liaison activities continued during the 1991-92 reporting year between ERC Field Services staff and various provincial teachers' and trustees' organizations. These activities facilitated a continuing dialogue about the collective bargaining process and its perceived shortcomings. Interaction continued with a variety of governmental bodies as well, particularly the Ministry of Labour.

A training/instructional video concerning the fact-finding process was completed. The video, which is about forty minutes in length, is an out-growth of a study of this process by Professor Richard Jackson of Queen's University. It features Professor Jackson explaining his research findings; specifically the topics of the background to the act, time frames under the act, the fact-finding process, fact-finding strategies, making recommendations, effectiveness of fact finding, parties' views of fact finding, and the flexibility of fact finding. The video is available on a loan basis from the commission.

A report was prepared that dealt with the determinations of the Ontario Labour Relations Board (OLRB) related to teacher/school board negotiations. Under the School Boards and Teachers Collective Negotiations Act, the OLRB is responsible, when called upon, for deciding: (1) if a strike or lockout is unlawful, and (2) if there is a violation of the act. There have been a total of nine determinations since 1975-76; these are reviewed and summarized in the report, which is available upon request.

A revised *Policies, Procedures and Forms Manual* was forwarded to all parties. The document's format was substantially revised to make it easier to understand and use. Additionally, several new forms were included to assist the parties when requesting the appointment of grievance mediators or arbitrators.

Arrangements were finalized in terms of an assessment of the effectiveness of the Relationships by Objectives workshops to be conducted by outside researchers. The parameters of the study were worked out as well as the nature of data requirements.

Information Services

Information Services staff are responsible for the development and management of Ontario teacher/school board collective bargaining information. Information support services are delivered to a diverse client group: local negotiators, provincial teacher and trustee organizations, fact finders, mediators and arbitrators, advocates, Ontario government ministries, labour practitioners outside the bargaining sector, the commission and senior staff, and the general public. The orientation of Information Services is towards meeting, and even anticipating, clients' needs. Improving service efficiency and effectiveness is a basic objective. During the reporting year, a number of activities and initiatives were undertaken to improve both information management and service delivery.

Revival of Information Publication Series

As announced in the previous Annual Report, the commission revived *Overview* and the Monograph Series during the reporting year.

Overview, a bilingual newsletter that reports on teacher/school board and college negotiations across the province and on items of interest and concern to those involved in them, is automatically mailed to bargaining representatives, provincial trustee and teacher organizations, and third parties. Regular features include summaries of recent arbitration awards, collective agreement snapshots, economic and settlement statistics outside the education sector, and notification of upcoming publications.

The Monograph Series, available in English and French, replaces the Monograph and Clause File publications, which were suspended in 1985. Its purpose is to provide a more in-depth review of a particular aspect of bargaining processes or outcomes in the Ontario school and college sectors. Five issues of the series were published during the reporting year:

No. 1 *Relationships by Objectives Workshops, 1983-90* (October 1991)

Evaluation of 24 Relationships by Objectives workshops, including review of participant self-assessment, and comparison of pre- and post-RBO bargaining experiences.

No. 2 *Student Jeopardy Advisements and Commission Determinations*

Other than Good Faith Bargaining (November 1991)

Summary analysis of eight jeopardy advisements, and summaries of complaints before the Ombudsman (2), and commission determinations concerning appointment of a fact finder (3), grievance procedure (1), voting procedures (2), lock-out or school closing (1), and fair representation (1).

No. 3 *Good Faith Bargaining Determinations: An Analysis and Summary (January 1992)*

A statistical record of complaints since 1975-76, discussion of general guidelines for negotiations contained in the determinations, and summaries of the determinations.

No. 4 *Determinations of the Ontario Labour Relations Board Associated with the School Boards and Teachers Collective Negotiations Act (May 1992)*

Summaries of determinations issued by the OLRB with respect to the declaration of unlawful strikes or lock-outs, or contravention of the School Boards and Teachers Collective Negotiations Act.

No. 5 *Instructional Load and Preparation Time Provisions, 1991-92 (July 1992)*

Statistical and qualitative analysis of provisions found in 285 agreements. Report includes extensive clause extracts and a brief summary analysis of each provision.

Technology Upgrading

Final approval to upgrade the commission's computing resources was given in 1991-92. Completion of an internal local area network was achieved in the spring of 1992, and a Request for Tender to lease a DEC MICROVAX to replace the commission's mini-computer was issued in August 1992. The new technology infrastructure is expected to significantly improve both internal operations and delivery of information services to the commission's external clients.

French-Language Service Support

Kathie Waterhouse joined the Information Services section of the commission in November 1991. Ms. Waterhouse comes to us from Concordia University in Montreal, where she was directly involved in negotiations and contract administration. As a fully bilingual research officer, Ms. Waterhouse provides the commission with an ability to offer improved information support to French-language school board and teacher negotiators.

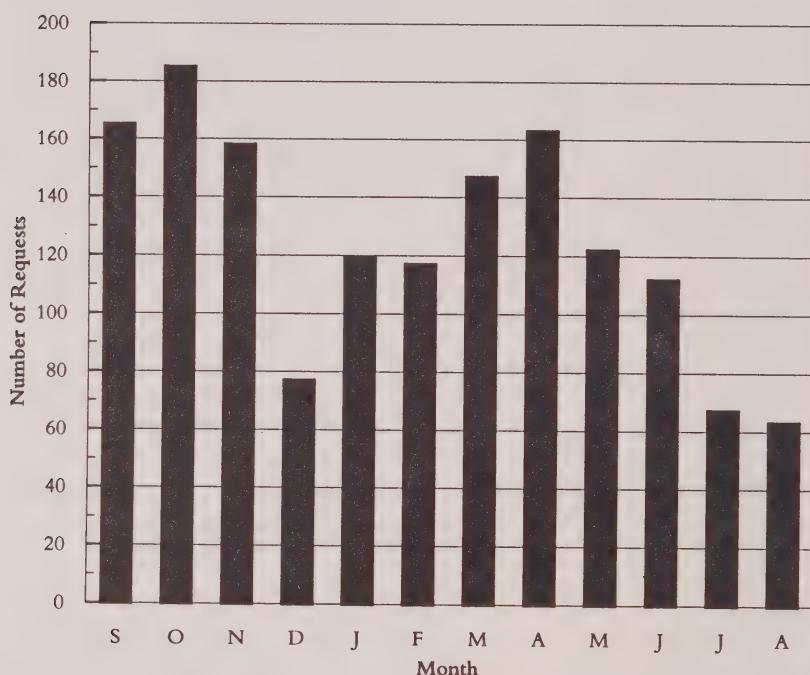
Information Requests

A total of 1485 information requests were filled by Information Services staff during the reporting year, a slight decline from the previous year. (See table 16 in Appendix A.)

The monthly pattern of requests continued to reflect the distinct phases of bargaining through the year: the development of initial bargaining positions in January and February; active negotiations before the end of the school year; the negotiations hiatus during the summer months; and the resumption of bargaining with third-party assistance in between September and November. (See figure 2.)

More than one-third of requests included customized statistical analyses and more than one-fifth involved agreement and grievance-award language searches. Request response times were maintained at a high level. Ninety-five per cent of requests were responded to either the same day (84 per cent) or the day after (11 per cent).

Figure 2: Information Requests by Month, September 1991 to August 1992



4. The Negotiation Process Under the Act

Term of Collective Agreements

Collective agreements between a school board and the branch affiliate representing the teachers who are members of the provincial teachers' organization, and who are employed by the board, have a term from September 1 to August 31, under the School Boards and Teachers Collective Negotiations Act. The agreements may be for more than one year. Usually more than half the agreements made in a year are for a two-year term.

The Negotiation Time Line

If there are to be negotiations to make or renew a collective agreement, one of the parties is to give its intent to negotiate to the other party (and to the commission) in January of the year in which the existing agreement expires.

Negotiations between the parties typically occur from January to August, without intervention from the ERC, but if a settlement has not been reached by August 31, a fact finder must be appointed by the commission. The commission may appoint a mediator to assist the parties at any stage in the negotiations.

Mediation and fact finding may occur prior to August 31, if the parties have negotiated and are at an impasse. If a fact finder is appointed, he or she has thirty days to hold a hearing with the parties and file a written report with the commission and the parties. The report remains confidential for fifteen days; if no settlement is reached during that period, the report is released to the public. The teachers are then in a position to request commission-supervised votes on acceptance or rejection of the school board's last offer and on the strike option.

The sequence of events is represented schematically in figure 3.

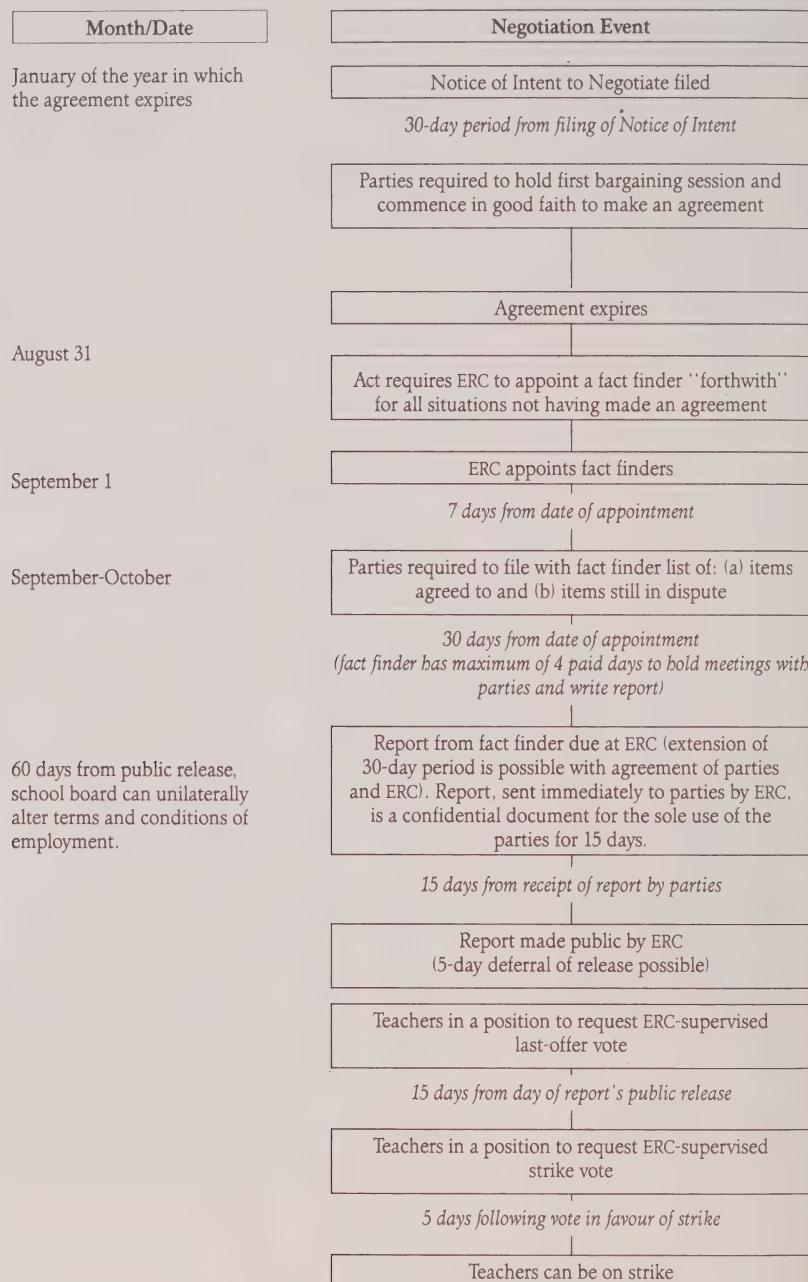
Fact Finding

Fact finding affords an opportunity for the negotiating parties to clarify and narrow the differences between their positions on various issues in order for them to be able to achieve a settlement. The fact-finding process also recognizes the public's right to know the substantive, procedural, and attitudinal issues in a dispute before the normal school program is interrupted. As noted, the process becomes mandatory after August 31 (the contract expiry date in all teacher/school board collective agreements). Further, such a procedure is necessary under the act before teachers can take strike action or before a school board can initiate a lock-out.

Figure 3: The Negotiation Framework Under the School Boards and Teachers Collective Negotiations Act

During the period January to August 31, ERC is not required by the act to provide any form of third-party assistance (e.g., fact-finder, mediator). However, ERC may appoint a third party upon the request of one or both parties to negotiations or at its discretion.

Mediator can be appointed by ERC at any time.



Note: At any point, parties can jointly agree to resolve matters through either voluntary binding arbitration or final-offer selection.

The commission may appoint a fact finder at any time during negotiations, either upon the request of one or both parties or upon the commission's deeming that the negotiations have reached an impasse and would benefit from such assistance. The fact finder, a third-party neutral, investigates the particular local situation and then files a written report with the commission. Under the act, the fact finder has thirty days to meet with the parties, examine their written submissions, listen to oral arguments, write the report, and submit the report to the commission. The commission, in turn, delivers the report to the parties. The parties then have fifteen days in which to continue negotiations, using the fact-finding report to assist them.

The report must set out those matters that the parties have agreed on as well as those in dispute. A fact finder may make recommendations regarding any matter that he or she feels is relevant and on any of the items in dispute. The fact finder's recommendations, although not binding on the parties, often narrow their differences, or are accepted wholly or in part by the parties.

It is clear from experience in the years since the passage of the act that fact finding has the potential to assist the parties in reaching a negotiated settlement. The commission has generally found it to be a useful process that works reasonably well as it assists the parties, informs the public, and often forms the basis for the ultimate settlement.

There is a very real danger, however, that parties will misunderstand or ignore the fact-finding process, thereby missing opportunities to resolve issues and undermining the potential effectiveness of fact finding. The commission has therefore encouraged the parties to use fact finding, if absolutely necessary. The commission's preference is to have the parties settle prior to the point at which, under the act, a fact finder must be appointed. Also, the commission has attempted to improve the effectiveness of the fact-finding process and has conveyed to its third parties that a fact finder's report, in order to be useful, must provide concrete suggestions to assist the parties in resolving the substantive and procedural issues in a dispute.

The commission is concerned about the fact that many of the requests for fact finding issued before agreements expire are being made before very much negotiation has occurred. The mandatory meeting, after notice to negotiate has been given, has too often been merely a formality. Parties may have met only two or three times to outline their positions prior to issuing a request for third-party assistance. It is evident that, in these cases, no real negotiation has occurred – that the parties have not really explored each other's thinking on the issues and are expecting a third party to do the negotiating work for them. Therefore, the commission has been careful to appoint fact finders only when it is evident that negotiations are at an impasse.

Mediation

A mediator is defined in section 13 of the act as “a person to assist the parties to make or renew an agreement.” She or he may be appointed by the commission at any time, either at the discretion of the commission or at the request of one or both negotiating parties.

The commission views mediation as a consensual process between the parties, a process whose success is dependent on the goodwill and co-operation of the parties. However, where it is clear that the process of bargaining between the parties is breaking down, the commission will appoint a mediator to work with the parties towards resolving their differences.

Supervised Votes: Last Offer, Strike, Ratification

Under the School Boards and Teachers Collective Negotiations Act, the responsibility for initiating any sanctions rests with the teachers. Prior to any strike activity, the parties must have completed the fact-finding process. Then, the teachers must first request (in writing) the board’s last offer concerning all matters agreed upon and all matters remaining in dispute. A secret-ballot vote on the board’s last offer must then be conducted under the commission’s supervision. If teachers reject this offer, a second secret-ballot vote, to determine whether teachers favour a strike, may then be held, again under the supervision of the commission. Any ratification vote ending a strike also must be supervised by the commission. The votes are those of the teachers’ own organization, but supervision by the commission is provided to safeguard the public interest.

Lock-outs and School Closings

After a strike action has commenced, a school board may, after rejecting formally the most recent proposal of the branch affiliate, lock out the teachers or close the schools.

Options for Third-Party Resolution

At any time during negotiations, the parties can agree to choose one of two options for third-party resolution: voluntary binding arbitration or final-offer selection. If a negotiated settlement is reached at any time during one of these procedures, the process is automatically terminated.

Voluntary Binding Arbitration

Under voluntary binding arbitration, the parties may refer all matters remaining in dispute to either an arbitrator or a board of arbitration. Within seven days of the appointment of the arbitrator or chair of the arbitration board, each party must submit to the other party, and to the arbitrator/chair, written notice of all matters agreed on during negotiations and all matters remaining in dispute. The arbitrator or board of arbitration is responsible for establishing procedures that give both parties full opportunity to present their evidence and make their submissions. Within sixty days of the appointment of the arbitrator/chair, or any longer period of time agreed to by both parties, the arbitrator or board of arbitration must provide the parties with a written report of the decision reached. The decision of the arbitrator or board of arbitration is final and binding; the

parties have no right to obtain ratification of the arbitrator's resolution of the items in dispute. The parties are required, within thirty days of receipt of that decision, to incorporate, within a signed agreement, the items agreed to in negotiations and the decision rendered through arbitration.

Final-Offer Selection

Under final-offer selection, each party's final position concerning the items remaining in dispute, together with any supporting evidence, is presented to a selector and to the other party within fifteen days of the appointment of a selector. Each party may then provide a written response to the other party's position, and the selector may hold a hearing.

Within fifteen days of the hearing (or of notice from the parties to dispense with the hearing), the selector must choose one party's final offer in its entirety. This offer is then incorporated into an agreement that also includes those items agreed to by the parties during negotiations.

Jeopardy

The purpose of the negotiations between the parties is to make or renew a collective agreement. Where the parties cannot reach agreement and a strike occurs resulting in a loss of instruction to the pupils, the commission is expected to safeguard the public interest by monitoring the situation to determine whether the continuance of the strike, lock-out, or school closing will place in jeopardy the successful completion of courses of study by the pupils affected. If the commission believes that successful completion will indeed be jeopardized, it so advises the government through the Minister of Education.

Final Note

School boards and teachers have used the outlined negotiation process effectively to make collective agreements. The process, as befits negotiations in a service such as education, is regulated, while at the same time allowing for full and free collective bargaining. In particular, unlike the process for most local government and private-sector employees, this one, by providing for fact finding, supervision of voting, and the jeopardy advisement, protects the public interest, even as it allows teachers the same rights as the majority of other organized employee groups.

5. A Brief History of Teacher/School Board Bargaining in Ontario

On July, 18, 1975, legislation granted teachers in Ontario the right to bargain collectively. Prior to the passage of the legislation, which would become known as Bill 100, the Ontario government had proposed a statute that included compulsory arbitration rather than the right to strike. In response to the proposed statute (Bill 275), both teachers' and trustees' organizations, albeit for different reasons, lobbied the government to include the right to strike in the legislation. The right to strike became a priority for teachers because they viewed compulsory arbitration as an ineffective form of dispute resolution. The trustees viewed compulsory arbitration as both an encroachment on their right to manage and an erosion of local board autonomy.

Moreover, those who drafted Bill 100 were convinced by events in the educational sector and in other jurisdictions that strike-prohibiting legislation is not generally effective. In fact, it was (and is) the view of many labour relations experts that legislation prohibiting strikes can exacerbate employer/employee confrontation and adversarial feelings. Because the primary reason for proposing Bill 100 was to introduce some stability and order into the province's teacher/board bargaining, the right to strike was seen as a necessary part of the legislation.

The need for legislation governing teacher/board negotiations was obvious in the early 1970s. Local teachers' federations and associations had been bargaining informally with school boards on salaries and insured benefits for many years. They were now demanding the right to bargain collectively on such issues as working conditions and grievance procedures. Some trustees viewed the collective bargaining process as an infringement of management rights. The net result, in the absence of legislation, was that bargaining took place in a vacuum and that relationships between trustees and teachers were deteriorating on both the individual and the organizational level.

The School Boards and Teachers Collective Negotiations Act, 1975, brought order to this confusion by providing ground rules for collective bargaining. Although the most widely publicized feature of the act was the right to strike, realistic alternatives such as voluntary arbitration and final-offer selection were provided at each step in the bargaining process. Moreover, events leading to a legal strike or lock-out were regulated under the act. For example, under the act a strike or lock-out is not legal until:

- a fact finder has met with the parties and his or her report has been made public;
- a fifteen-day cooling-off period has taken place after the submission of the fact finder's report to the parties;

- the teachers have voted (by secret ballot in a supervised vote) on the last offer of the school board; and
- the teachers have voted (by secret ballot in a supervised vote) to take strike action.

Other provisions in the act should be noted. Negotiations take place at the school board level between the local teachers' federation(s) and the school board. Separate negotiations are undertaken in the elementary and secondary panels of a board. The scope of negotiations is open; that is, all matters are negotiable. Each collective agreement is deemed to contain a procedure for the binding settlement of disputes arising out of the administration of the agreement, if such a procedure has not been negotiated locally. A strike or a lock-out is illegal during the term of the collective agreement.

Finally, the act provided for a five-person commission, the Education Relations Commission, to monitor and assist all local negotiations between teachers and school boards and to administer the act. In addition to its overall duty to "further harmonious relations," the commission was given seven specific functions under section 60 of the act:

1. to monitor all negotiations
2. to collect data and provide it to all parties in collective negotiations
3. to assist the parties in their collective negotiations
4. to train third-party neutrals
5. to adjudicate charges of lack of good faith bargaining
6. to supervise last-offer, strike, and ratification votes
7. to advise the Lieutenant Governor-in-Council whether the continuance of a strike, lockout, or school closing will jeopardize the successful completion of the courses being taken by the students affected by the strike

In the first year, there were several confrontations as teacher groups and school boards tested the legislation. In the year after the removal of federal government inflation controls, there were also several strikes.

Nevertheless, the legislative process established itself as a framework within which the parties did negotiate. Four years after the passage of Bill 100, the Minister of Education announced in the Legislature the establishment of a commission to review the collective negotiations process between teachers and school boards. This commission (referred to as the Matthews Commission because it was chaired by Dr. B. C. Matthews, then president of the University of Waterloo) submitted its report to the Minister of Education in June 1980. Having analysed the efficacy of Bill 100 during its first four years, the Matthews Commission recommended a small, but significant, set of changes to the act. Because the collective negotiations process was working well, however, no amendment was made to the act.

Teacher/board negotiations were significantly altered when An Act Respecting the Restraint of Compensation in the Public Sector of Ontario and Monitoring of Inflationary Conditions in the Economy of the Province (Bill 179) was legislated. Bill 179, introduced in the Legislature on September 21, 1982, limited compensation increases in the public sector to a maximum of 9 per cent in the first year of the program (the "transitional" year) and 5 per cent in the second year (the "control" year). The legislation removed the right to strike or lock out and also provided for the formation of the Inflation Restraint Board (IRB) to administer the act, and to monitor wage and price increases in the public and private sectors. During this period, bargaining continued between the parties and revealed co-operative and innovative responses to the restraints. The parties creatively developed and implemented initiatives in areas such as job sharing, cross-panel transfers, and retirement incentives. The transition back to more standardized bargaining involving compensation arrangements occurred in 1984-85.

The next major change came with the decision by the government to permit Roman Catholic separate school board extension beyond Grade 10. The Education Amendment Act (Bill 30) was introduced by the Minister of Education on July 4, 1986. Bill 30 extended full funding to those Roman Catholic separate school boards electing to perform the duties of a secondary school board for the appropriate jurisdictional area.

As noted earlier in this report, forty separate school boards have opted to perform the duties of secondary school boards. The commission decided that these boards should be considered comparable to boards of education with two panels of teachers, so that teachers in the secondary schools of Roman Catholic school boards would have the same rights to negotiate their own agreements that secondary school teachers in boards of education have. This decision was supported by the courts after a challenge from a board. The result has been an increase in the number of bargaining units and collective agreements.

There has also been an increase in the number of French-language bargaining units, as branch affiliates of AEEFO have increasingly opted to negotiate separately. The creation of the Ottawa-Carleton French-Language Board added four more units.

Over the years, school boards and teachers have matured in using the process under the School Boards and Teachers Collective Negotiations Act. Sanctions have been applied in only about 2 per cent of the negotiations. Although there has been some feeling expressed that a process closer to that of the Labour Relations Act model should be tried in order to streamline the procedures, it should be recognized that teacher/school board negotiations are considered of special concern to society. That is why there are a variety of dispute-resolution mechanisms in this process, why a fact finder's report is made public, and why votes by the teachers are supervised. Indeed, if there is a problem in the process, it is that too

often fact finding is not reserved, as the act intended, for cases in which an impasse has developed, but instead is resorted to routinely. In some areas, it appears that the parties have become quite dependent upon third-party assistance.

The commission has been fortunate in being able to employ some of the best free-lance third parties in the labour relations business. The Education Relations Commission has, as part of its mandate, trained many people to serve as fact finders and mediators in the educational sector. Indeed, many have become skilled labour relations practitioners able to provide significant assistance in other sectors.

6. Appendices

- A. Statistical Tables**
- B. Statement of Expenditures**
- C. Biographies of Commission Members**

A. Statistical Tables

Table 1: School Boards, Branch Affiliates, and Teachers in Ontario, 1991-92

Board Classification	Number of Branch Affiliates									
	Number of Boards	FWTAO		OPSTF	OECTA		AEEFO		OSSTF	POPSAT ^e
		Elem.	Sec.		Elem.	Sec.	Elem.	Sec.		
Boards of education	76	76	76	-	-	-	9	15	76	-
Metro Toronto school board ^a	1	1	1	-	-	-	-	-	-	-
Roman Catholic school boards ^b	40	-	-	-	39	37	31	18	3	-
Roman Catholic separate school boards	9	-	-	-	9	-	7	-	-	-
Other separate school boards ^c	10	1	1	5	-	-	5	-	-	-
Other public school boards	18	18	17	-	-	-	1	-	-	-
Secondary school boards	1	-	-	-	-	-	-	-	1	-
Boards on Crown lands and in hospital and hydro centres, and the Provincial Schools Authority	3	2	1	-	-	-	-	-	1	1
French-language school boards	3 ^d	-	-	-	-	-	3	3	3	-
Total	161	98	96	53	37	56	36	84	1	
Number of Teachers ^f	130 749	40 476	14 592	31 186			6 698	37 464	300	

Note: Table 1 includes only boards that operate schools.

^a The Metropolitan Toronto School Board, which operates schools for the trainable retarded, does not operate elementary and secondary schools as such; however, its teachers are members of the elementary school branch affiliates, FWTAO and OPSTF.

^b Refers to extended Roman Catholic separate school boards

^c Includes one Protestant separate school board

^d This number counts the Ottawa-Carleton French-Language Board as two boards.

^e Federation of Provincial Schools Authority Teachers

^f Source: Ontario Teachers' Federation. These figures include all members during the year.

Table 2: Status of Negotiations, 1991-92

Board Classification	Not Subject to Negotiation*	Subject to Negotiation
Boards of education – elementary	28	53
Boards of education – secondary	34	49
County and district		
combined Roman Catholic		
school boards	39	49
Other school boards	19	14
Total	120	165

* Concluded a multi-year settlement during a previous year.

Table 3: Number of Fact-Finder Appointments, Reports Released to Parties, and Reports Made Public, 1991-92

Board Classification	Boards in Which Fact Finder Appointed	Report Released to Parties	Reports Made Public
Boards of education – elementary	29	23	15
Boards of education – secondary	31	22	28
County and district			
combined Roman Catholic			
school boards	22	19	13
Other school boards	2	1	1
Total	84	65	57

Table 4: Number of Fact-Finder Appointments, Reports Released to Parties, and Reports Made Public, 1976-77 to 1991-92

Year	Number of Situations Negotiating	Fact-Finder Appointments	Reports Released to Parties	Reports Made Public
1976-77	189	71 (37.6%)	51 (27.0%)	39 (20.6%)
1977-78	210	63 (30.0%)	54 (25.7%)	42 (20.0%)
1978-79	207	114 (55.1%)	95 (45.9%)	69 (33.3%)
1979-80	180	109 (60.5%)	86 (47.8%)	77 (42.8%)
1980-81	132	49 (37.1%)	43 (32.6%)	34 (25.8%)
1981-82	168	50 (29.8%)	37 (22.0%)	29 (17.3%)
1982-83	173	62 (35.8%)	52 (30.1%)	48 (27.7%)
1983-84	178	0	0	0
1984-85	227	130 (57.3%)	108 (47.6%)	92 (40.5%)
1985-86	192	81 (42.2%)	62 (32.3%)	53 (27.6%)
1986-87	190	80 (42.1%)	67 (35.3%)	57 (30.0%)
1987-88	145	50 (34.5%)	31 (21.4%)	27 (18.6%)
1988-89	161	49 (30.4%)	37 (23.0%)	30 (18.6%)
1989-90	166	84 (50.6%)	60 (36.1%)	49 (29.5%)
1990-91	167	58 (34.7%)	52 (31.1%)	43 (25.7%)
1991-92	165	84 (50.9%)	65 (39.4%)	57 (34.5%)

Table 5: Appointment of Mediators, 1975-76 to 1991-92

Year	Number of Situations Negotiating	Number of Mediators Appointed	Negotiations Conducted with Mediators (per cent)
1975-76	205	51	24.9
1976-77	189	38	20.1
1977-78	210	58	27.6
1978-79	207	72	34.8
1979-80	180	63	35.0
1980-81	132	35	26.5
1981-82	168	47	28.0
1982-83	173	50	28.9
1983-84	178	5	2.8
1984-85	227	96	42.3
1985-86	192	49	25.5
1986-87	190	65	34.2
1987-88	145	31	21.4
1988-89	161	34	21.1
1989-90	166	49	29.5
1990-91	167	52	31.1
1991-92	165	51	30.9

Table 6: Assignment of Mediators, 1991-92

Board Classification	Number of Situations Negotiating	No Mediation	Mediation Only	Mediation Pre-Fact Finding Only	Mediation Post-Fact Finding Only	Mediation Both Pre- and Post-Fact Finding
Boards of education - elementary	53	38	1	4	10	-
Boards of education - secondary	49	30	1	4	13	1
County and district combined Roman Catholic school boards	49	32	3	3	10	1
Other school boards	14	13	-	-	1	-
Total	165	113	5	11	34	2

Table 7: Assignment of Mediators, 1976-77 to 1991-92

Year	Number of Situations Negotiating	No Mediation	Mediation Only	Mediation Pre-Fact Finding	Mediation Post-Fact Finding	Mediation Both Pre- and Post-Fact Finding
1976-77	189	151 (79.9%)	7 (3.7%)	2 (1.0%)	28 (14.8%)	1 (0.5%)
1977-78	210	152 (72.4%)	21 (10.0%)	3 (1.4%)	24 (11.4%)	10 (4.8%)
1978-79	207	135 (65.2%)	9 (4.3%)	7 (3.4%)	47 (22.7%)	9 (4.3%)
1979-80	180	117 (65.0%)	4 (2.2%)	3 (1.7%)	46 (25.5%)	10 (5.5%)
1980-81	132	97 (73.5%)	9 (6.8%)	3 (2.3%)	21 (15.9%)	2 (1.5%)
1981-82	168	121 (72.0%)	16 (9.5%)	10 (5.9%)	17 (10.1%)	4 (2.4%)
1982-83	173	123 (71.1%)	13 (7.5%)	20 (11.6%)	14 (8.1%)	3 (1.7%)
1983-84	178	173 (97.2%)	5 (2.8%)	0	0	0
1984-85	227	131 (57.7%)	22 (9.7%)	16 (7.0%)	48 (21.1%)	10 (4.4%)
1985-86	192	143 (74.5%)	8 (4.2%)	10 (5.2%)	30 (15.6%)	1 (0.5%)
1986-87	190	125 (65.8%)	12 (6.3%)	23 (12.1%)	30 (15.8%)	0
1987-88	145	114 (78.6%)	7 (4.8%)	1 (0.7%)	23 (15.9%)	0
1988-89	161	127 (78.9%)	9 (5.6%)	2 (1.2%)	19 (11.8%)	4 (2.5%)
1989-90	166	117 (70.5%)	5 (3.0%)	6 (3.6%)	37 (22.3%)	1 (0.6%)
1990-91	167	115 (68.9%)	7 (4.2%)	6 (3.6%)	36 (21.5%)	3 (1.8%)
1991-92	165	113 (68.5%)	5 (3.0%)	11 (6.7%)	34 (20.6%)	2 (1.2%)

Table 8: Jurisdictions Receiving Either Fact-Finding or Mediation Assistance, 1976-77 to 1991-92

Year	Number of Situations Negotiating	Fact-Finder Appointments	Mediator Appointments	Total	Negotiations Assisted (per cent)
1976-77	189	71	7	78	41.3
1977-78	210	63	21	84	40.0
1978-79	207	114	9	123	59.4
1979-80	180	109	4	113	62.8
1980-81	132	49	9	58	43.9
1981-82	168	50	16	66	39.3
1982-83	173	62	13	75	43.3
1983-84	178	0*	5	5	2.8
1984-85	227	130	22	152	67.0
1985-86	192	81	8	89	46.3
1986-87	190	80	2	92	48.4
1987-88	145	50	7	57	39.3
1988-89	161	49	9	58	36.0
1989-90	166	84	5	89	53.6
1990-91	167	58	7	65	38.9
1991-92	165	84	5	89	53.9

* No appointments as a result of provincial restraint legislation.

Table 9: Supervised Last-Offer, Strike, and Ratification Votes, 1991-92

Board Classification	Board's Last-Offer Votes	Strike Votes	Ratification Votes
Boards of education – elementary	1	1	1
Boards of education – secondary*	11	8	3
County and district			
combined Roman			
Catholic school boards	7	6	3
Other school boards	1	–	–
Total	19	15	7

* Votes undertaken by teachers in Metro Toronto counted as 1.

Table 10: Strikes, Lockouts, and Closing of Schools, September 1, 1991, to August 31, 1992

Board	Number of Schools	Number of Teachers in Branch Affiliate(s)	Number of Students Affected	Type of Sanction	Duration of Sanction	How Settlement Reached
Elgin County Bd. of Ed. (secondary)	5	317.3	4 484.5	Full withdrawal	Oct. 17-Dec. 2/91 (33 inst. days)	Negotiated with mediation assistance
Durham R.C.S. Bd. (OECTA secondary)	5	272.2	3 750	Work to rule	Jan. 13-Mar. 30/92 (50 inst. days)	Negotiated with mediation assistance
Metro Separate (secondary)	37	2 088	31 326	Work to rule	Feb. 10-June 1/92 (71 inst. days)	Negotiated with mediation assistance
Ottawa Bd. of Ed. (secondary)	14	951.1	12 377	Full withdrawal	Mar. 23-Apr. 26/92 (23 inst. days)	Negotiated with mediation assistance
Metro Toronto and Area Bds. of Ed. (secondary)	119	8 186.3	105 248	Work to rule	Mar. 23-31/92 (7 inst. days)	Negotiated with mediation assistance
Hamilton-Wentworth R.C.S. Bd. (elementary)	52	1 067.4	16 340	Work to rule	Mar. 30-Apr. 28/92 (20 inst. days)	Negotiated
Carleton Bd. of Ed. (secondary)	15	1 082.1	15 075	Full withdrawal	Apr. 2-May 13/92 (28 inst. days)	Voluntary binding arbitration
Carleton Bd. of Ed. (elementary)	61	1 811.2	30 224	Work to rule	May 4-June 4/92 (23 inst. days)	Negotiated with mediation assistance

Table 11: Agreements Reached by Voluntary Binding Arbitration or Final-Offer Selection, 1991-92

Board Classification	Agreements Reached by Voluntary Binding Arbitration	Agreements Reached by Final-Offer Selection
Boards of education – elementary	–	–
Boards of education – secondary	1	–
County and district combined	–	–
Roman Catholic school boards	–	–
Other school boards	–	–
Total	1	0

Table 12: Appointments Concerning Grievance Arbitrations, 1991-92

Board Classification	Number of Appointments by ERC	Nature of Appointments
Boards of education – elementary	1	Chair-Board of arbitration
Boards of education – secondary	1	Chair-Board of arbitration
County and district combined	–	–
Roman Catholic school boards	1	Single arbitrator
Other school boards	–	–
Total	3	

**Table 13: Appointments Concerning Grievance Arbitration,
1976-77 to 1991-92**

Year	Number of Appointments by ERC
1976-77	9
1977-78	13
1978-79	13
1979-80	8
1980-81	14
1981-82	3
1982-83	3
1983-84	7
1984-85	8
1985-86	10
1986-87	8
1987-88	8
1988-89	5
1989-90	7
1990-91	6
1991-92	3

Table 14: Good Faith Bargaining, 1991-92

Complainant	Respondent	Disposition
Branch Affiliate of OECTA (elementary)	Metro Separate School Board	Resolved
Branch Affiliate of OECTA (elementary)	Welland Roman Catholic School Board	Pending
Branch Affiliates of FWTAO and OPSTF	Ottawa Board of Education	Withdrawn
Branch Affiliate of OSSTF	Carleton Board of Education	Withdrawn
Branch Affiliate of OSSTF	Ottawa Board of Education	Withdrawn
Branch Affiliates of FWTAO and OPSTF	Carleton Board of Education	Withdrawn
Branch Affiliates of AEFO and OECTA	Kapuskasing Roman Catholic School Board	Withdrawn
Branch Affiliate of OECTA	Lanark, Leeds & Grenville Roman Catholic Board	Withdrawn
Branch Affiliate of OECTA (secondary)	Metro Separate School Board	Withdrawn
Branch Affiliates of FWTAO and OPSTF	Ottawa Board of Education	Withdrawn
Branch Affiliate of OECTA (secondary)	Hamilton-Wentworth Roman Catholic School Board	Withdrawn
Branch Affiliate of OECTA (elementary)	Lincoln County Roman Catholic School Board	Pending
Branch Affiliate of OECTA (secondary)	Lincoln County Roman Catholic School Board	Pending

Table 15: Duration and Termination Dates of Settlements Concluded in 1991-92

Board Classification	Not Settled	1 Year Aug. 31/92	2 Years Aug. 31/93	3 Years Aug. 31/94
Boards of education				
- elementary	8	25	17	3
Boards of education				
- secondary	7	22	19	1
County and district				
combined Roman				
Catholic schools board	-	11	32	6
Other school boards	1	6	7	-
Total	16	64	75	10

Table 16: Information Requests by Client Group, 1989-90, 1990-91, and 1991-92

Client Group	1989-90		1990-91		1991-92	
	No.	%	No.	%	No.	%
School boards/provincial trustee associations	544	(32.1)	491	(32.7)	435	(29.3)
Branch affiliates/provincial teacher associations	455	(26.8)	426	(28.5)	370	(24.9)
Third parties	183	(10.8)	182	(12.2)	175	(11.8)
Other clients	515	(30.3)	398	(26.6)	505	(34.0)
Total	1697	(100.0)	1497	(100.0)	1485	(100.0)

B. Statement of Expenditures**Expenditures: April 1, 1991, to March 31, 1992**

Categories	Budget Allocation (dollars)	Actual Expenditures (dollars)
Salaries	878 200	891 889
Transportation and communications	182 000	192 026
Services	463 700	500 477
Supplies and equipment	116 000	92 162
Total	1 639 900	1 679 554

C. Biographies of Commission Members

Chair: *Paula Knopf, B.A. (University of Toronto), LL.B. (Osgoode Hall Law School)*

Ms. Knopf joined the commission as Chair in February 1991. She graduated with a B.A. from the University of Toronto in 1972, and an LL.B. from Osgoode Hall Law School in 1975. Since she was called to the Ontario Bar in 1977, she has practised law, concentrating mainly on litigation and labour relations. In 1980, she joined the faculty of Osgoode Hall Law School where she taught until 1984. Since 1981, Ms. Knopf has worked as a fact finder, mediator, and arbitrator.

Vice-Chair: *David Hayes, B.A. (McMaster University), M.Ed. (University of Toronto)*

Mr. Hayes is a retired educator. He served as supervisory officer with the Lincoln County Board of Education, both as a superintendent of curriculum and as an area superintendent. During his years of service, Mr. Hayes developed and implemented a complete evaluation system for all teaching and supervisory personnel, as well as special programs for assisting general level students and reducing the dropout rate among secondary school students. Mr. Hayes also developed a complete curriculum design, implementation, and review program for all Kindergarten to Grade 13 programs and a co-operative professional development program for teachers.

Commissioner: *Trèva Legault Cousineau, B.Sc. (H.Ed.) (University of Ottawa), R.P.Dt.*

Mrs. Cousineau was co-ordinator of French-Language Services for the Ministry of Community and Social Services, North Central Area, and a member of the Board of Governors of Cambrian College, Sudbury. She has served as chair and vice-chair of the Timmins District Roman Catholic School Board, member of the commission on the Financing of Elementary and Secondary Education in Ontario, chair of the Ontario School Trustees' Council, chair of l'Association française des conseils scolaires de l'Ontario, and member of the Ministry of Education's Committee on Special Education and Advisory Council on the Role of the Trustee.

She has also served as chair of the French-Language Education Advisory Group. In August 1990, Mrs. Cousineau was appointed Executive Director of the Conseil de l'éducation catholique pour les francophones de l'Ontario (CECFO); the objective of CECFO is to promote Catholic education for Ontario's francophone population.

Commissioner: *William John McNeil, B. Com. (University of Toronto)*

Mr. McNeil has had fifteen years of service as a teacher and vice-principal in North York and fifteen years as a field officer with the Ontario Secondary School Teachers' Federation (OSSTF). His past positions include president of District 13 of OSSTF, governor of the Ontario Teachers' Federation, advisory board member of the provincial executive of OSSTF, and trustee of the Ontario Teachers' Insurance Plan. He is currently enrolled in the master's degree program in industrial relations at the University of Toronto.

Commissioner: *John Irwin Zeiler, B.A. (University of Toronto), LL.B (University of Toronto)*

Mr. Zeiler is a partner in the law firm of Leve and Zeiler, which handles real estate and corporate, commercial, and estate work. He was the solicitor for the developer who registered the first condominium in Ontario.

Mr. Zeiler has taught for the Ontario Real Estate Association, the Appraisal Institute of Canada, and, more recently, in the Department of Administrative Studies at York University, where he lectures in real property law and negotiations.

